MULTIMEDIA UNIVERSITY

STUDENT ID NUMBER

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2022/2023 (TERM ID 2215)

UMY1712 MALAYSIAN LEGAL SYSTEM

(All Sections/ Groups)

14th February 2023
Reading Time: 9.00 am - 9.15am
(15 Minutes)
Answering Time: 9.15 am – 12.15 pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 5 Questions only.

3. Attempt **FOUR** out of **FIVE** questions. All questions carry equal marks and the distribution of the marks for each question is given. **Part A** is **compulsory**, answer any **3 (Three)** out of **4 (Four)** questions in **Part B.**

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of:
   i. Courts of Judicature Act 1964
   ii. Federal Constitution of Malaysia
   iii. Rules of Court

5. Please write all your answers in the Answer Booklet provided.

PART A - COMPULSORY

QUESTION 1

Azman has recently had a failed dealing with one of his computer part suppliers. One of his customers requested for the latest GEFORCE graphic card. He then contacted his usual supplier who promised him that the equipment will be delivered within a week. However, he read from the online forum that the advertised GEFORCE RTX 4090 Graphic Cards by that supplier is actually the lower model of RTX 4000, rebranded as the RTX4090. Feeling divided, he refused to accept the delivery from the supplier. A week later, he received a letter of demand from the supplier requesting him to accept the delivery and to reimburse the incurred cost from his earlier refusal. Failure to comply, the supplier will proceed with a civil action against Azman in the High Court.

Azman is now seeking your help to understand his current legal position. Describe the pre-trial stage to Azman.

(Total: 25 marks)

PART B – ANSWER THREE (3) QUESTIOS ONLY

QUESTION 2

Section 3,5 and 6 of the Civil Law Act 1956 permits judges with discretion to import the English common law, equity and statutes into Malaysian legal system to fill lacunaes in Malaysian law, if any. However, this discretion is not absolute and is subjected to restrictions.

With reference to decided cases and relevant authorities, clarify the applicability of English law in Malaysia.

(Total: 25 Marks)

QUESTION 3

Tan Sri Idris Harun is the current Attorney General of Malaysia. It has been said that he holds the position of one of the most powerful man in Malaysia. This can be seen from the powers conferred upon the Attorney General by the Federal Constitution.

Choose whether you agree or not with the statement. Your answer should be supported with Articles from the Federal Constitution and relevant law cases.

(Total: 25 Marks)

Continued...

QUESTION 4

a) Citing the reason of economic recession, Andrew recently came across the news that he had been dismissed by his employers, without any prior notice. Desperate for help and without enough financial means, he comes to see you on his options.

Assess the eligibility of Andrew for Legal Aid from Jabatan Bantuan Guaman.

(10 Marks)

b) Jabatan Bantuan Guaman is another Legal Aid scheme available, provided by the government to help the deserving members of community in getting their justice. Illustrate the procedures available of the application for both criminal and civil aid.

(15 Marks)
(Total: 25 marks)

QUESTION 5

The Walk for Judicial Independence was organized by the Malaysian Bar Council on the 17th June 2022, in relation to the alleged intimidation done to the Judiciary by one of the Governmental Agencies against one of the Superior Court Judges.

(June 19, 2022) Walk for Judicial Independence. https:// https://www.malaysianbar.org.my/article/news/bar-news/news/web-report-walk-for-judicial-independence-17-june-2022.

Interpret the protection provided to the Judiciary in the Federal Constitution. Your answer must be illustrated together with usage of relevant case law.

(Total: 25 marks)

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